

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)
v.) Case No.: 3:06cr141-MEF
CLAUDE JEROME WILSON, II)

**DEFENDANT'S RESPONSE TO GOVERNMENT'S
MOTION TO CONTINUE TRIAL**

COMES NOW the Defendant, Claude Jerome Wilson, by and through his undersigned counsel, Michael J. Petersen, and submits this response to the Government's Motion to Continue Trial (Doc #75) pursuant to this Court's Order. (Doc #76). The Defendant opposes the Government's motion in part, and requests this Court grant the motion only as to setting the trial date for this matter on August 15, 2008 with jury selection as presently scheduled on August 11, 2008. As grounds for granting this Motion, Defendant would show the following:

1. On June 14, 2006 Claude Wilson was charged in a one-count Indictment with being a felon in possession of a firearm.

2. As a result of counsel's investigation into this matter, undersigned counsel has met with the District Attorney for Russell County, Alabama, with the knowledge of the Government, for Claude Wilson to assist the State of Alabama in the prosecution of Lisa Graham in Russell County Circuit Court cases CC-2007-000687.00 (Capital Murder - Shots fired from a vehicle) and CC-2007-000686.00 (Capital murder for hire). Mr. Wilson is expected to be a material witness in the trial(s) of these matters. The trial in these cases is presently set for October 27, 2008. Undersigned is of the information and belief that the Graham trial(s) will be continued past the present setting.

3. Mr. Wilson has been detained since the date of his arrest. Mr. Wilson desires to proceed to trial in this matter. *See* 18 U.S.C. § 3161.

4. The Government has requested a special setting of this matter with jury selection on August 11, 2008, with the trial to commence on August 15, 2008 in Opelika, Alabama. Mr. Wilson does not oppose this special setting in this matter.

5. In the alternative, the Government has requested this matter be continued to this Court's next trial term. Mr. Wilson does oppose a continuance beyond the present setting of this matter to the next trial term. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11th Cir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), the Court is limited by the requirements of the Speedy Trial Act. *See* 18 U.S.C. § 3161.

6. While several continuances have been granted by this Court in this matter, the Government initiated the prosecution of Mr. Wilson, and was aware that this Court had set the matter for trial on August 11, 2008. Mr. Wilson only recently decided that he wished to proceed in this matter and regardless of the outcome, would continue to stand ready to assist the State of Alabama in its prosecution of Lisa Graham in Russell County Circuit Court cases CC-2007-000687.00 (Capital Murder - Shots fired from a vehicle) and CC-2007-000686.00 (Capital murder for hire).

WHEREFORE, based upon the foregoing, undersigned respectfully requests that the trial of this matter not be continued beyond the presently scheduled date of August 11, 2008.

Dated this 30th day of July, 2008.

Respectfully submitted,

s/ Michael J. Petersen
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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Respectfully submitted,

s/ Michael J. Petersen
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